UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TYRONE HURT

Plaintiff,

v.

D.C. METROPOLITAN POLICE DEPARTMENT

Defendant.

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No. MC-14-80051 EMC

ORDER CONSTRUING DOCUMENT AS NOTICE OF APPEAL AND DENYING REQUEST TO PROCEED ON APPEAL *IN FORMA PAUPERIS* AND FOR APPOINTMENT OF COUNSEL

On March 5, 2014, this Court rejected Plaintiff's complaint in this action pursuant to the pre-filing order issued in *Hurt v. All Sweepstakes Contests* No. C-12-4187 EMC, 2013 WL 144047, at *8 (N.D. Cal. Jan. 11, 2013). This case was one of fourteen complaints submitted for review by Plaintiff on February 13, 2014.

On March 12, 2014, Plaintiff filed a document entitled "motion for notice of appeal informa pauperis [sic]" in each of the fourteen cases. The Court construes this document as Plaintiff's notice of appeal from this Court's rejection of the instant complaint.

Further, Plaintiff seeks leave to appeal in forma pauperis and for the appointment of counsel. Plaintiffs' requests are **DENIED**. The Court finds the instant appeal to be frivolous as the complaint contained incoherent allegations, sought outlandish relief, and otherwise plainly failed to state a claim upon which relief can be granted, as discussed in the underlying order rejecting the complaint. *See* 28 U.S.C. § 1915(a)(2) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (construing "in good faith" to mean "non-frivolous").

This Court's denial of Plaintiff's request for in forma pauperis status on appeal and for the appointment of counsel is without prejudice to Plaintiff renewing the requests before the United States Court of Appeals for the Ninth Circuit. *See* Fed. R. App. P. 24(a)(5) (detailing the procedure necessary for bringing a motion before the court of appeals to proceed in forma pauperis on appeal).

IT IS SO ORDERED

Dated: April 18, 2014

EDWARD M. CHEN
United States District Judge